

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT CURTIS WILLIAMS, III,
Plaintiff,
v.
ALI,
Defendant.

No. 2:21-cv-1904 AC P

ORDER

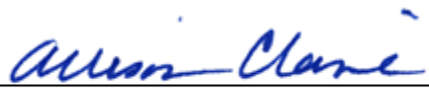
By order filed May 2, 2022, the undersigned found that this case was opened in error because the complaint in this action was an identical copy of the complaint filed two days earlier in Williams v. Ali (Williams I), No. 2:21-cv-1877 JAM CKD. ECF No. 8. Plaintiff now requests reconsideration of that order. ECF No. 10.

Local Rule 230(j) requires that a motion for reconsideration state “what new or different facts or circumstances are claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion; and . . . why the facts or circumstances were not shown at the time of the prior motion.” L.R. 230(j)(3)-(4). Plaintiff’s motion is based upon his mistaken belief that the claims in his complaint were divided into two separate cases. Id. He asserts that the court in Williams I screened only his Eighth Amendment claim while his Fourteenth Amendment claims were severed and assigned to the undersigned. Id. Contrary to plaintiff’s belief, the court in Williams I screened all of plaintiff’s claims and found that only the

1 deliberate indifference claim was cognizable. Williams I, ECF No. 8. Plaintiff was offered the
2 option of amending the complaint to attempt to fix the defects with his Fourteenth Amendment
3 claims, id., but ultimately opted to proceed on his deliberate indifference claim only, Williams I,
4 ECF No. 18. Plaintiff's request that the undersigned screen the Fourteenth Amendment claims
5 will not result in a different outcome. The complaint has already been screened and there were
6 not sufficient allegations to support his Fourteenth Amendment claims. If plaintiff wishes to
7 pursue those claims, he may seek leave to amend the complaint in Williams I. Because plaintiff
8 has not demonstrated new or different facts or circumstances exist, the motion for reconsideration
9 will be denied.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for reconsideration (ECF
11 No. 10) is DENIED.

12 DATED: May 19, 2022

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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